
b. Describe the discovery, if any, that will be necessary to the resolution of issues relating to jurisdiction and venue:

n/a

c. Recommended date for filing motions addressing jurisdiction and/or venue:

n/a

5. Amendments to Pleading and/or Joinder of Parties

a. Recommended date for filing motion/stipulation to amend the pleadings or to add additional parties: **Fri., Jan. 19, 2013**

b. If class action, recommended date for filing motion to certify the class: _____

6. Recommended Discovery Plan

a. Describe the **subjects** on which discovery is to be sought and the nature and extent of discovery that each party will need:

Please see exhibit 1 to this Rule 26(f) form for the parties' detailed recommended discovery plan

b. What **changes** should be made, if any, in the limitations on discovery imposed by the Federal Rules of Civil Procedure or the local rules of this Court?

Please see exhibit 1 to this Rule 26(f) form for the parties' detailed recommended discovery plan

c. The case presents the following issues relating to disclosure or discovery of **electronically stored information**, including the form or forms in which it should be produced:

The parties don't expect issues to arise in electronic discovery, although they may engage in it.

If they do engage in it, they may agree on a third-party forensic electronic discovery firm to conduct searches on copied servers or hard-drives. The searches would be crafted by the party demanding the discovery, subject to some constraints to keep costs down. The records yielded by the search would be produced initially only to the producing party for vetting. The producing party would decide which of those records to produce to the demanding party, and would do so within a time deadline. The parties would ask the court to enter an order that incorporates this

procedure. The parties would split the fee of the forensic electronic discovery firm, subject to constraints on the amount of the fee.

d. The case presents the following issues relating to claims of **privilege or of protection as trial preparation materials**:

Because this is a libel suit against the press, it naturally implicates the potential for the press to raise some discovery privileges, such as state shield laws and qualified First Amendment privileges. At this early stage, the parties don't know whether those privileges will apply, or be raised.

i. Have the parties agreed on a procedure to assert such claims **AFTER** production?

 x No

 Yes

 Yes, and the parties ask that the Court include their agreement in an Order.

e. Identify the discovery, if any, that can be **deferred** pending settlement discussion and/or resolution of potentially dispositive motions:

Please see exhibit 1 to this Rule 26(f) form for the parties' detailed recommended discovery plan

f. The parties recommend that discovery should proceed in **phases**, as follows:

Yes. Please see exhibit 1 to this Rule 26(f) form for the parties' detailed recommended discovery plan.

g. Describe the areas in which **expert testimony** is expected and indicate whether each expert will be specially retained within the meaning of F.R.Civ.P.26(a)(2):

The parties expect to obtain expert witness testimony relevant to damages.

-
- i. Recommended date for making **primary expert designations**:

**After the close of
damages discovery**

- ii. Recommended date for making **rebuttal expert designations**:

**30 days after the
primary expert
designation**

- h. Recommended discovery **completion date**: **Please see exhibit 1 to
this Rule 26(f) form for
the parties' detailed
recommended
discovery plan**

7. Dispositive Motion(s)

- a. Recommended date for filing dispositive motions: **Tues., Feb. 19, 2013**

8. Settlement Discussions

- a. Has a settlement demand been made? **Settlement
conversation has
occurred, but
nothing concrete
has been offered
or demanded yet** A response? _____

- b. Date by which a settlement demand can be made: _____

- c. Date by which a response can be made: _____

9. Settlement Week Referral

The earliest Settlement Week referral reasonably likely to be productive is the

_____ March 20 _____	Settlement Week
_____ June 20 _____	Settlement Week
_____ September 20 _____	Settlement Week
<u>X</u> December 20 _____	Settlement Week

10. Other matters for the attention of the Court:

Signatures:

Attorney(s) for Plaintiff(s):

s/ Gary Broadbent

Ohio Bar# 0083876

Trial Attorney for

s/ Mark Stemm

Ohio Bar# 0023146

Trial Attorney for

Ohio Bar#

Trial Attorney for

Ohio Bar#

Trial Attorney for

Attorney(s) for Defendant(s):

s/ David Marburger

Ohio Bar# 0025747

Trial Attorney for
all defendants

Ohio Bar#

Trial Attorney for

Ohio Bar#

Trial Attorney for

Ohio Bar#

Trial Attorney for